

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Keith James Cowan, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
Gabrielle Blais
Jacques Tremblay

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
KEITH JAMES COWAN	)	Shawn O'Connor,
(CERTIFICATE #330042	)	Kelly Howard Santini LLP,
	)	for Keith James Cowan
	)	(via teleconference)
)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: November 28, 2005

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 28, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing* dated December 7, 2004 was served on Keith James Cowan (“the Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers (“the College”) on January 12, 2005 to set a date for a hearing, and specifying the charges. The Notice of Hearing was amended on November 25, 2005 and the hearing was set for November 28, 2005.

The Member was not in attendance at the hearing.

The Allegations

The allegations against the Member in the *Amended Notice of Hearing* dated November 25, 2005, (*Exhibit 1*) are as follows:

IT IS ALLEGED that Keith James Cowan is guilty of professional misconduct and unethical conduct in that he breached section 13 of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2, as amended, in that he failed to strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity and ethical standards of the teaching profession contrary to section 13 of the *Regulation Made Under the Teaching Profession Act*.

Agreed Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2*, an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*. (*ASF – Exhibit 2*)

The Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty provides as follows:

1. Keith James Cowan is now a retired member of the Ontario College of Teachers and at all material times he was a Member of the Ontario Teachers' Federation and as such, is subject to the jurisdiction of the Ontario College of Teachers. Keith James Cowan is hereinafter referred to as the "Member". The Member retired from the College in January 2003. Attached hereto is a copy of the Ontario College of Teachers Registered Member Information in respect of the Member. (*ASF – Exhibit 2, Tab A*)
2. At all material times the Member was employed by the Ottawa Board of Education, now known as the Ottawa-Carleton District School Board ("the Board") as a teacher at [REDACTED] School ("the School"), in Ottawa.
3. During the 1979-1980 school year, [REDACTED], was a female student [REDACTED] at the School.
4. During the 1980-1981 school year, the Member developed a friendly relationship with [REDACTED], in which she viewed the Member as what she described as a fatherly type figure.
5. At the end of the 1980-1981 school year, [REDACTED] and her family moved [REDACTED].
6. Even though she was no longer a student at the School, the Member continued to communicate with [REDACTED], principally through letters up until approximately 31 October 1982. At no time was there a physical relationship between the Member

and [■] and there is no allegation of inappropriate touching of [■] by the Member.

7. Commencing on approximately 25 October 1981, when [■] was [■] years of age, and ending on approximately 22 October 1982, when she was [■] years of age, the Member wrote [■] at least seven letters in which he, *inter alia*:

- (a) wrote of recapturing his youth through her;
- (b) provided her with literary references in which older male characters fall in love with younger women;
- (c) professed his love for her;
- (d) stated that he was hopeful that they would become lovers;
- (e) stated that he felt closer to her than he did to his wife;
- (f) stated to her that after twenty-five years of marriage he and his wife lived in different worlds and that his wife did not like sex;
- (g) stated that it was not to a [■] year old that he was writing to, but to “a woman I want, a woman I can ‘talk to’, be truthful with, run risks with”;
- (h) described her as lovely;
- (i) stated he could imagine himself as her lover;
- (j) stated that she needed to be with him so that she would know the reason for living;

- (k) wrote, “we could shower together, make love together (it’s impossible apart), have breakfast in bed and then go our separate ways until we could be with each other again”; and
 - (l) stated that they would be together in the after-life when they would be the same age.
8. The letters referred to in paragraph 7 are as follows:
- (a) Letter dated “Sunday, 25 October” and postmarked 26 October 1981, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab B*)
 - (b) Letter dated “1 January” and postmarked 3 January 1982, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab C*)
 - (c) Letter dated “28 January ’82” and postmarked 29 January 1982, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab D*)
 - (d) Letter dated “14 May “ and postmarked in May 1982, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab E*)

(e) Letter dated “Monday, 30 Aug.” and postmarked 30 August 1982, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached hereto. (*ASF – Exhibit 2, Tab F*)

(f) Undated letter which is postmarked 12 September 1982, addressed to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab G*)

(g) Undated letter which is postmarked 22 October 1982, sent to [REDACTED]. A copy of that letter, with accompanying envelope, as well as a transcription of the letter are attached. (*ASF – Exhibit 2, Tab H*)

9. [REDACTED] returned to Canada in the summer of 1982 and resided in Toronto, Ontario.
10. The Member ceased communicating with [REDACTED] on or around 31 October 1982, after writing the letter referred to above as *ASF - Exhibit 2, Tab H*.

Plea of No Contest

1. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 10 above (the “Admitted Facts”). The Member hereby acknowledges that the Admitted Facts, and in particular the facts and Exhibits referred to in paragraphs 6 to 8 and 10 above, constitute conduct which is unprofessional and unethical and pleads no contest to the allegations of professional

misconduct and unethical conduct against him, being more particularly a breach of section 13 of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2, as amended, as described in the Amended Notice of Hearing.

2. The Member states that he understands fully the nature of the allegations against him;
 - (a) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
 - (b) he voluntarily decided to plead no contest; and
 - (c) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.
3. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct and unethical conduct.

Joint Submission on Penalty

1. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee direct the Registrar of the Ontario College of Teachers to revoke immediately the Certificate of Qualification and Registration of the Member, which

Certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers.

2. The Ontario College of Teachers and the Member jointly submit that there be publication of the findings and Order of the Committee in summary form, without the name of the Member, the name of the school at which the Member taught or the name of the city in which the Member taught, in the official publication of the College, *Professionally Speaking/Pour parler profession*.
3. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

Decision as to Finding

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct and unethical conduct. In particular, the Committee finds that the Member committed acts of professional misconduct and unethical conduct, being more particularly a breach of section 13 of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2, as amended, as described in the Amended Notice of Hearing.

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order

as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Member's certificate of qualification and registration, which certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers.
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, without the name of the Member, the name of the school at which the Member taught or the name of the city in which the Member taught, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision

The Committee accepted the admitted facts in the Agreed Statement of Facts as proof of professional misconduct and unethical conduct as defined in section 13 of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2, as amended.

The student, [■], was a student [■] in 1979-1980. The Member and the student had a friendly relationship that [■] described as a "fatherly type" relationship. At the end of her grade [■] year, [■] and her family moved [■]. In her grade [■] year [■] and the Member continued their relationship through correspondence. Over a one-year period, the Member sent seven letters to [■]. The letters show a pattern of sharing increasingly personal information and the development of an inappropriate relationship between the

Member and [REDACTED], in which the Member encouraged [REDACTED]'s dependence on him as a mentor and confidante, and eventually sought to entice her into a romantic and sexual relationship with him.

Of particular concern are three letters from the Member to [REDACTED] dated 30 August 1982, postmarked 12 September 1982 and postmarked 22 October 1982. (ASF - Exhibit 2, Tabs F, G, H)

In *Tab F*, which the Member writes on school letterhead, he professes to be hopelessly in love with [REDACTED], hopes that in the future they will be lovers, asks how she, a [REDACTED] year old, feels about a "man in his 'prime'." The Member also requests that [REDACTED] write him at his school and that she not put her name and address on the envelope.

In *Tab G*, the Member invites [REDACTED] to meet him at a hotel in Toronto, the city where she now lives. The Member plans to register for an English conference, if she agrees to meet him, and to attend one or two sessions to be seen, but to spend the remainder of the time with her, "to feel your fresh beautiful skin and to make you joyful." He states "you have a body of [REDACTED] but I don't know how old your mind is. I don't write to a [REDACTED] year old, I write to [REDACTED], a woman I want, a woman I can "talk" to, be truthful with, run risks with." He asks her to love him.

In *Tab H*, the Member indicates his disappointment that [REDACTED] refused to meet him in Toronto as he had requested. He indicates that the next time, he will "order" her to come and that they will shower together and make love together, then go their separate

ways. He expresses fear that his “letters might surface.” He asks her to burn them if she has kept them.

Throughout this exchange of correspondence, the Member maintained his position of authority over [■] by reinforcing their past student-teacher relationship, giving her “fatherly” advice, and writing letters on school letterhead. The Member sought to isolate [■] by ensuring that she keep the relationship secret. The Member sought to initiate an inappropriate romantic and sexual relationship with [■]

By these actions, the Member failed to uphold the honour, dignity and ethical standards of the teaching profession and as such is guilty of professional misconduct.

Reasons for Penalty Decision

The Committee accepted the joint submission on penalty that revocation of the Member’s certificate and publication of the findings, in summary form, without the name of the Member, the school where he taught or the city where he taught, was the appropriate penalty.

Revocation is appropriate to demonstrate that the Member’s conduct is unacceptable in the eyes of the profession, the public and the complainant. This penalty also serves to protect the reputation of the profession in the minds of the public.

Publication of the Committee's order is necessary as a general deterrent to guide members of the profession as to what is acceptable conduct between teachers and those who have been their students.

As can be seen from the joint submission on penalty, the College and the Member have expressly agreed that the Committee 's findings and order should be published "without the name of the Member, the name of the school at which the Member taught or the name of the city in which the Member taught." In view of the parties' express agreement in this respect, and in order to give effect to the joint submission, the Committee orders that publication of its findings and order shall be as agreed upon.

While the name of the Member will not appear in *Professionally Speaking/Pour parler profession*, the Public Register will show that the Member's Certificate of Qualification and Registration has been revoked.

Date: November 29, 2005

Nancy Hutcheson
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel